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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,162	02/15/2001	Robert Anthony Luciano JR.	GSS-00-001-CIP.1	4032

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EXAMINER

YOO, JASSON H

ART UNIT PAPER NUMBER

3714

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,162

Applicant(s)

LUCIANO ET AL.

Examiner

Jasson Yoo

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 134-142, 145, 147 and 150-152 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 134-142, 145, 147, 150-152 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 4/6/05; in which applicant made remarks regarding previously rejected claims (claims 134-142, 145, 147, 150-152), and amended claims. Claims 134-142, 145, 147, 150-152 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 134-142, 145, 147, and 151-152 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US Patent No. 6,165,071 to Weiss.

Claims 134, 135, 137, 138, 139, 142, Weiss teaches a method of using new promotional (newprom) awards on a game device, said game device configured to receive newprom award data, said method comprising:

Providing at least one game on said game device whose outcome is at least partially determined by a random event (cols. 3:1-10, 3:60-65, 6:46-49);

Determining which, if any of said newprom data is applicable to said game device (newprom data is stored on player memory card; cols. 3:15-22, 4:6-16, 25-48);

Associating game device configuration with newprom data (col. 2:25-37),

said newprom data comprising at least one of a time restriction (player is given the opportunity to initiate play or discontinue play at his own him as a function of time over a series of sessions; 1:59-67),

location restriction (the game is restricted to be played on "single purpose" machines; col. 4:55-58), or gaming device restriction further configurable such that said restriction enable use of said newprom data on a subset of gaming devices on which said newprom data is otherwise usable [The player can play on one or several machines (col. 2:39-43, 52-53). The machines may be "single purpose" machines, in which a certain type of game is played on those particular machines depending on the new prom data (col. 4:55-58)], and

at least one of a game play enhancement, or an award level enhancement (award benefits, bonus awards, incremental awards; col. 5:32-58).

Configuring said game device or changing game device configuration in accordance with said new prom data (col. 2:24-37); and,

Allowing play of said game on said configured game device (col. 2:39-44).

Decoding newprom data (col. 4:13-21).

Claim 136, Weiss teaches the method of
Identifying a player;
Associating said player with said newprom data; and,
Receiving electronic newprom data associated with said player at said gaming
device (cols. 2:43-48, 3:4-22, 3:66-4:64).

Claim 140, Weiss teaches the method of input originating from the player
comprises a voucher, and the issued output is a voucher receivable by the player (col.
4:22-37).

Claim 145; see rejection for claim 134 and:
Weiss teaches the reconfiguration of the newprom data occurs as the player
plays the game (player's status during the course of play is update; col. 2:24-37, 2:43-
54).

Claim 147, 151, 152; see rejection for claim 134 and:
Weiss teaches a set of states (game/player status) for applicable data of the
game (cols. 2:43-48, 3:4-22, 3:66-4:64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 150 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss.

In regard to claim 150, Weiss teaches the limitations as discussed above, but does not expressly teach indicating null or any state for an element that is lacking any data. However, Weiss provides for variable states of identified elements in a game where these states allow for constant analysis to determine award benefits to players for their achievements (2:15-19 and 5:30-58). The constant analysis would not include elements that have not produced tangible data for analysis, such as post-season performance if the analysis is performed during a regular season. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide some data state indicating the lack of data for that element so that improper data is not used. Furthermore, it is notoriously well known in the art of data management to use *NULL* identifiers to indicate lack of data in a data field to speed data processing.

Response to Arguments

Applicant's arguments filed 4/6/05 have been fully considered but they are not persuasive.

Regarding independent claims 134, 135, 137, 138, 139, 147, 151 and 152:

As to the limitation "restriction" of time, location or gaming device, applicant argues Weiss does not teach that a subset of gaming machines be selectable as

machines to which the restriction(s) will apply from the overall all set (Applicant Remarks, pages 11-12). However, as discussed above, Weiss teaches a plurality of gaming machines can be played (one or more similar gaming machines, several machines; col. 2:42:43, 52-53) in which the restrictions can apply.

Regarding more specifically to the time restriction, the player can restrict the amount of time played on one more several machines at the player's sole discretion (col. 2:48-48-53).

Regarding more specifically to the location or gaming device restrictions, Weiss teaches there are several gaming machines that are restricted to play a particular type of game (one or more similar gaming machines, "single purpose" machines; cols. 2:42-43, 4:55-56). Depending on what type of game the player plays (i.e. baseball), the player is restricted to play the game on a gaming machine or gaming machines restricted fro baseball.

Applicant's argument in regards to the presently Weiss fails to teach the claimed invention allowing or disallowing a player to make use of newprom data on gaming machine based on time; the player has no control (Applicant Remarks, page 12). It is unclear what the Applicant is arguing. If the gaming device allows or disallows a player to make use of the newprom data on a gaming machine based on time; then the player does have control. Furthermore, the claimed invention is not limited with a time restriction with the player having no control.

As discussed in the previous actions and above, Weiss teach the player the player can restrict the amount of time played at the player's sole discretion. The player's status including the amount of time played is dependent on and stored in the player's memory card.

Regarding to elements of an enhancement (game or award) (Applicants Remarks, pages 12-13), Weiss teach of milestones throughout the game, which affects the game and awards (col. 5:32-6:19).

With respect to Applicant response on previous office action and Applicant's specification on different kinds of states and games (Applicants Remarks, pages 12-13); Weiss teaches various games having savable game states (status of the game; cols. 2:43-48, 3:4-22, 3:66-4:64). Weiss further teaches milestones to receive an award depending on the motif and the nature of the game (cols. 5:40-6:19). The Milestones or steps are a status level of the game used to get to the bonus, or a state representation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571)272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHY

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', written in a cursive style.

CORBETT B. COBURN
PRIMARY EXAMINER